

..Drafter

Clerk 09/28/2011

..title

AN ORDINANCE relating to the development of a regional motor sports facility; adopting provisions for approval of such a facility through a master planning demonstration project, as authorized under K.C.C. chapter 21A.55 amending Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, ;Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 and Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040, adding a new section to K.C.C. chapter 21A.55, adding a new section to K.C.C. chapter 20.24, adding new sections to K.C.C. chapter 21A.06 and adding a new section to K.C.C. chapter 27.04.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. Pacific Raceways, formerly operated as Seattle International Raceways, is on a three-hundred-twenty-seven acre site located east of Kent and a quarter mile off of State Highway 18, and has historically consisted of a two and a quarter-mile road course, a drag strip, a dirt motocross track and a kart track.

B. The Pacific Raceways property is zoned "Industrial" with a property-specific development, also known as "P-suffix," condition restricting the use of the property to racing and race related activities. It is also subject to two Conditional Use Permits ("CUPs"), File Nos. A-71-0-81 and L08CU006, which govern current development and activities.

C. The owners of Pacific Raceways have indicated that they have invested over five million dollars since 2002 for improvements and are now seeking to move forward with a privately funded one hundred and thirty-five-million-dollar rehabilitation and expansion effort.

D. There are currently no specific zoning or land use provisions provided in the code that easily and efficiently allow for the processing of a complex, multi-year, multi-phased development, which the potential expansion of the Pacific Raceways represents.

E. There are numerous steps currently required for the review of expansions and upgrades to large, complex and long-term development proposals, such as those proposed for Pacific Raceways that makes it difficult for the county, the applicant and the public to understand and address the myriad issues that arise during review of these kinds of projects.

F. A demonstration project as provided in K.C.C. chapter 21A.55 is intended to be a mechanism to test and evaluate alternative development standards and processes before amending King County policies and regulations.

G. Specifically, K.C.C. 21A.55.010 states, "Alternative development standards might include standards affecting building and/or site design requirements. Alternative processes might include permit review prioritization, alternative review and revision scheduling, or staff and peer review practices."

H. During the council review of Proposed Ordinance 2010-0189, members of the public testified that the implementation and enforcement of the conditions of CUP File Nos. A-71-0-81 and L08CU006 has been inconsistent over the years.

I. A "master planning" demonstration project is an opportunity to:

1. Implement specific requirements governing the future design and operation of Pacific Raceways;

2. Test a multi-phased legislative process that will ensure public opportunity to provide input on the proposed future development and operating standards;

3. Allow the cumulative impacts of a proposed development to be considered and addressed;

4. Better guide the future development of the facility;

5. Institute an on-going legislative review and monitoring process to ensure compliance with this ordinance and the executed development and operating agreement; and

6. Allow the proposed expansion to proceed with the prospect of long-term predictability.

J. The council determines, based on the potential uses that may be included in the master planning proposal, there is likely, significant adverse environmental impact necessitating the preparation of an environmental impact statement, in accordance with RCW chapter 43.21C and WAC chapter 197-11.

SECTION 2. The King County executive shall conduct a demonstration project to create and evaluate a master planning process as provided for in, and consistent with, section 3 of this ordinance.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows.

A. The purpose of the master planning process demonstration project is to:

1. Create a comprehensive but streamlined process for the review of major land use proposals that will be developed over the course of several years by:

a. utilizing a concise timeline for project review that incorporates a process for public outreach and input during initial stages of the county review;

b. executing a development and operating agreement , pursuant to RCW 36.70B.170 that establishes:

(1) a clearly-defined project through a master development plan, which shall include a master site plan;

(2) requirements that must be met before approval of each phase of development; and

(3) operating standards governing all aspects of the project's operation, including, but not limited to, noise and traffic, hours and days of operation for racing, non-racing uses and number and types of events; and

c. establishing a process that ensures timely and efficient review;

2. Utilize the hearing examiner, as authorized in section 4 of this ordinance, to function as a special master for the purpose of fact finding and reporting on the department's proposed development and operating agreement as provided in subsection N. of this section and on compliance by the applicant with the executed development and operating agreement, as provided in subsection U. of this section; and

3. Provide for ongoing monitoring of the executed development and operating agreement by the council to ensure continued future compliance with the executed development and operating agreement.

B. The master planning process demonstration project shall be implemented only for a regional motor sports facility only on the Pacific Raceways property as described in Attachment A to this ordinance.

C. The master planning demonstration project shall be initiated by the applicant making a written request to the department for a preapplication meeting to identify the requirements necessary for a complete application.

D. A master planning proposal shall be considered complete when the following information and studies have been submitted and are adequate to review the proposal:

1. A proposed development plan that describes the nature, size and scope and phasing of all proposed activities;

2. A proposed site plan that identifies the location of proposed racing surfaces, circulation roadways, parking areas, buildings, stormwater retention/detention areas, sewage treatment or holding facilities and any off-site traffic improvements;

3. A proposed master drainage plan under the surface water design manual;

4. A proposed grading plan that identifies or includes:

(a) soil types;

(b) phasing;

5. Proposed development conditions relating to:

(a) on-site vehicle circulation and off-site traffic control measures;

(b) protection for critical areas, especially adjacent to Little Soos Creek;

(c) stormwater flow control and water quality treatment;

(d) visual screening from adjoining residential properties;

(e) on-going monitoring and reporting to measure compliance with the

development and operating agreements and.

(f) fire protection.

6. Proposed operating conditions that specify:

(a) days and hours of operation;

(b) frequency of events;

(c) types of activities, including types of motor vehicles; and

(d) maximum noise levels;

7. Any necessary information identified through the preapplication process; and

E. The development and operating agreement shall contain development standards and operating conditions related to the development and operation of the site and shall include, but shall not be limited to:

1. A master site plan and detailed conditions establishing the:

a. location and scope of proposed land uses;

b. location and size of buildings and structures such as grandstands;

- c. layout and dimensions of racing surfaces and circulation roadways;
  - d. site elevations and contours established by a master grading plan;
  - e. excavation and processing of materials, including dust control, during construction of the facilities; and
  - f. location and dimensions parking areas;
  - g. location of stormwater facilities, sewage treatment facilities, water, and related features;
  - h. vegetative screening required in subsection F. of this section;
2. A master drainage plan consistent with the surface water design manual;
  3. A project phasing plan, including threshold requirements that must be met before approval of the next phase of development;
  4. Specified types of racing and non-racing activities, and where on the site the activities can occur;
  5. Specified days and times for all racing and non-racing uses;
  6. Specified noise levels for racing and non-racing uses, including but not limited to, how noise levels will be measured and mitigated;
  7. Specified on-site vehicle circulation and other traffic control measures to reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;
  8. Specified development conditions to ensure that permitted alterations provided for in subsection G. of this section achieve the appropriate level of protections;
  9. Specified development conditions to ensure that stormwater flow control and water quality treatment provided for in subsection H. of this section is achieved;

10. Specified regular on-going monitoring and reporting to measure compliance with the development and operating agreement requirements relating to noise, traffic, air quality, groundwater quality, stormwater flow control and water quality treatment and water volume and quality in Little Soos Creek;

11. Specified process for the receipt and evaluation by the department of inquiries and complaints relating to the operation of the facility, in order to allow for review by the hearing examiner as provided in subsections T and U.1. of this section; and

12. Specified enforcement actions available to the county to address non-compliance with the conditions of the development agreement.

F. As provided in K.C.C. 21A.16.030.F, to the maximum extent practical, buildings and other structures shall be constructed on the project to be shielded from view from adjoining residential properties using methods that may include, but are not limited to:

1. Retention of existing vegetation;
2. Placement of new vegetation to augment existing vegetation; and
3. Placement of buildings below existing grade and use of green roof technology

on top of these buildings.

G. 1. Except as otherwise provided in this subsection G.2. of this section, all development under the master plan shall comply with K.C.C. chapter 21A.24.

2. The department shall authorize alteration exceptions to critical areas, critical areas buffers and critical area set backs not otherwise allowed by KCC 21A.24.070 when the applicant demonstrates that:



a. The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the site;

b. The proposed impacts to critical areas, critical area buffers and critical area set backs shall be controlled and compensated for in accordance with the requirements of KCC 21A.24.125;

c. For proposed alterations to steep slopes or erosion hazard or landslide areas:

(1) the alterations are necessary to bring existing racing surfaces into compliance with applicable racing association safety standards or to construct circulation road surfaces, to construct noise barriers or for the placement of spectator seating on the interior portion of the road course; and

(2) the alterations can be constructed to maintain the stability of the hazard area through the use of structural mitigations identified through a geotechnical analysis by a licensed and qualified geotechnical professional;

d. For proposed alterations to wetlands or aquatic areas and their buffers:

(1) the alterations are necessary to bring existing racing surfaces into compliance with applicable racing association safety standards, to construct circulation road surfaces or for the placement of spectator seating on the interior portion of the existing road course,

(2) the alterations to wetlands are adequately mitigated either on-site or off-site through the use of mitigations identified by a qualified wetlands professional; and

(3) the alterations under this subsection are not within three hundred feet of the ordinary high water mark of Little Soos Creek; and

3. The department's authorization of an alteration exception made pursuant to subsection G.2. may be conditioned on imposing reasonable requirements to minimize the impact of the proposed development on the critical area, critical area buffer or critical area set back.

H. The master planning proposal shall comply with the King County surface water design manual in effect at the time a complete master planning proposal is submitted, and shall:

1. Use enhanced basic water quality measures to treat stormwater and use stormwater infiltration facilities to manage stormwater to protect aquatic life in Big and Little Soos Creeks while protecting groundwater quality. Consider the proposed use of the site in determining whether spill control or special oil control measures in excess of the King County surface water design manual requirements are necessary to achieve the required environmental protections;

2. Specify and require facilities and best management practices to insure that auto-related fluids, brake dust, and other products are properly managed and disposed of to avoid contamination of soils, surface water and groundwater;

3. Develop and implement a water quality monitoring plan to assure that copper, other metals, hydrocarbons and other contaminants are not elevated in ground and surface waters on- site and in Big Soos and Little Soos Creeks.

4. Conduct flow monitoring in Big and Little Soos Creeks before, during and after construction to assure that normal or pre-existing flows are being maintained.

5. Conduct biotic monitoring in Big and Little Soos Creeks before, during and after construction;

6. If the department determines it to be environmentally beneficial and if it is in compliance with the surface water design manual requirements for discharge to the natural location and is approved through an adjustment, channel surface water from impervious surfaces, including buildings, structures, pit areas or raceways to drain away from Little Soos Creek and evaluate any impacts to Big and Little Soos Creeks and to the alternative discharge location; and

7. Develop and implement an adaptive management program to correct any flow, surface or ground water quality, or biotic problem in Big or Little Soos Creeks caused by the development.

I. The master planning proposal shall include site designs and features to reduce the level of noise impacts upon nearby residential neighborhoods.

J. The department shall:

1. Schedule and conduct a pre-application meeting with applicant within thirty days of the request for such a meeting by the applicant in order to identify the full range of potential issues related to the proposed expansion of Pacific Raceways and to specifically list information or studies needed to adequately evaluate the listed issues.

2. Provide to the applicant a detailed listing of all project issues and necessary information or studies required under subsection D. of this section within thirty days after the date of the pre-application meeting. If the applicant disagrees with the determination, the applicant may file an objection following the procedures in subsection L. of this section;

3. Determine whether the master planning proposal is a complete application under K.C.C. 20.20.050. If the applicant disagrees with the department's determination

that the application is not complete, it may file an objection following the procedures in subsection L. of this section;

4. Provide a notice of a complete application under K.C.C. 20.20.060. In addition to notice required under K.C.C. 20.20.060, the department shall provide mailed notice to:

a. all parties of record, including community groups or organizations, established during the review of CUP File Nos. A-71-0-81 and L08CU006, Proposed Ordinance 2010-0189 or this ordinance;

b. persons requesting notification of any county land use action regarding Pacific Raceways; and

c. residents or property owners of parcels located within twenty-five hundred feet of the boundaries of the Pacific Raceways site.

5. Not later than seven days after the applicant has filed with the department its master planning proposal, the department shall issue a determination of significance and proceed with the environmental review of the master planning proposal in accordance with the provisions of section 6 of this ordinance.

6. Conduct one or more public meetings on the master planning proposal to gather information and public input on all aspects of the master planning proposal. The first meeting shall be held within thirty days after the applicant has filed its master planning proposal with the department and shall be combined with a public meeting required under section 5.A.3 of this ordinance. At that public meeting, the applicant shall present its master planning proposal. At each public meeting, the public shall be provided an opportunity to comment on the master planning proposal. The department

shall record all public meetings and make a written summary of the meetings available on its website within fourteen days after the meeting. The department may hold additional public meetings as it conducts its review of the master planning proposal and shall provide an opportunity for the applicant to respond to questions at each public meeting.

7. Issue the final environmental impact statement not later than eighteen months after the determination of significance has been issued, subject to the request of the consultant for additional time to prepare the final environmental impact statement .

8. Not later than thirty days after the final environmental impact state is issued, propose for public review and comment a development and operating agreement consistent with this section. The department shall provide notice of the proposed development and operating agreement in the same manner as it provided the notice of application under subsection J.4. of this section. The department shall present the proposed development and operating agreement at a public meeting within fourteen days after the notice is provided under this subsection J.7.;

9. Transmit to the council within thirty days after the public meeting required by subsection J.7. of this section, the department's recommended development and operating agreement, together with a proposed ordinance authorizing the executive to execute the development and operating agreement.

K. If, subsequent to the department's determination that the application is complete the department determines additional information not identified under subsection D. of this section is necessary to complete its review of the master planning proposal, the department may request that additional information from the applicant. The

applicant may object to the request for additional information under this subsection K. following the procedures in subsection L. of this section.

L. 1. The applicant may file with the director a written objection to the department's determination under subsections J.2., J.3., or K of this section. The written objection shall be filed with the director within seven days after the date the determination under subsection J.2., J.3., or K. is mailed to the applicant and shall set forth the reasons for the applicant's objection.

2. Within seven days after the applicant files the written objection with the director under subsection L.1 of this section, the director shall in writing either modify the department's determination made under subsection J.2., J.3., or K. of this section or deny the objection and mail the decision to the applicant.

3. If the applicant objects to the director's determination under subsection L.2, the applicant shall file a written objection with the director within seven days after the director's determination is received by the applicant. The director shall, within two business days of receiving the written objection, file one paper copy and an electronic copy of the director's determination and the applicant's objection with the clerk of the council, with a copy of the notice to the applicant.

4. The clerk shall distribute the electronic copy of the director's determination and the applicant's objection to the chair of the county council and the chair of the transportation, economy and environment committee, or its successor.

5. The applicant shall provide a written notice of an appeal of the director's determination under subsection L.2 of this section to the clerk of the council within seven

days after the date the director files the director's determination with the clerk of the council.

6. The director's determination made under subsection L.2. of this section shall apply to the application unless the county council modifies the determination by ordinance adopted and approved within forty-five days after the date the director's determination under subsection L.2. of this section is filed with the county council; and

7. If the applicant files an objection under subsection L.1 of this section, the department shall suspend review of any elements of the proposal that depend on the director's decision until the earlier of the date an ordinance is adopted and approved under subsection L. 6. of this section or forty-five days after the date the director's determination is filed with the clerk under subsection L.3. of this section

M. If the department or the applicant is unable to meet a timeline established by this section as part of the process for review of the master planning proposal, the department shall provide written notice to the council within fourteen days after the missed deadline in the form of a letter to the chair of transportation, economy and environment committee or its applicable successor describing the causes for the delay, and the steps or actions needed to be taken by the department or the applicant to continue timely processing of the proposal.

N.1. Prior to the council action on an ordinance approving the development and operating agreement, by motion, the council may direct the hearing examiner to conduct a public meeting in the vicinity of the project site within forty-five days of the hearing examiner receiving council's direction. The purpose of the public meeting is to gather input on the department of development and environmental services-recommended

development and operating agreement. The department shall provide notice of the public meeting in the same manner as the notice of application under subsection J.4. of this section.

2. The notice of the public meeting shall be provided at least fourteen days before the scheduled meeting and shall include the time, place and purpose of the meeting.

3. Within thirty days after the public meeting, the hearing examiner shall transmit its report on the department's recommended development and operating agreement for council consideration. The report shall include, but not be limited to, a review of the consistency of the department's recommended development and operating agreement with this section and an analysis of disputed items raised by the department, applicant or the public.

O. Any council action to approve the final development and operating agreement and authorize its execution shall be by ordinance.

P.1. The design and operating conditions specified in any agreement adopted and executed pursuant to the process established in this ordinance shall prospectively control the operations and design for the site and supersede the design and operating conditions established under CUP File Nos. A-71-0-81 and L08CU006. However, any such development and operating agreement will not have retroactive effect. Any enforcement actions relating to compliance with the design and operating conditions established under CUP File Nos. A-71-0-81 and L08CU006 regarding activities that occurred prior to the execution of a development agreement shall not be affected.



2. A master plan development and operating agreement approved by the council shall be in effect for a period of ten years from the effective date of the ordinance approving the master plan development and operating agreement and authorizing the executive to execute the development and operating agreement;

3.a. An approved master plan development and operating agreement may be renewed one time for not more than ten years.

b. The applicant shall apply to the department for renewal of the development and operating agreement at least twelve months prior to the expiration of the agreement. The department shall provide a notice of the renewal request under subsection J.4 of this section and shall conduct at least one public meeting on the request as provided in subsection J.5. of this section.

c. The department shall make its recommendation to the council on the proposed renewal together with any recommended changes to the agreement not later than ninety days prior to the expiration of the development and operating agreement.

d. If the agreement is not renewed by the council:

(1) the operating conditions established in the agreement shall remain in effect; and

(2) any subsequent development permit application shall be subject to legal requirements in place when the subsequent application is submitted.

Q. During the period a development and operating agreement is in effect, any subsequent development on the site shall be consistent with the approved development and operating agreement.

R.1. Except as otherwise provided in subsection R.2. of this section, the laws in effect on the date the council adopts the ordinance authorizing the execution of the development and operating agreement shall apply to development permit applications for uses authorized by the development and operating agreement.

2. The following regulations in effect on the date of a complete development permit application for a use authorized by the development and operating agreement shall apply:

- a. road standards under K.C.C. Title 14;
- b. building codes under K.C.C. Title 16;
- c. fire codes under K.C.C. Title 17; and
- d. public health and safety codes under K.C.C. Title 13.

S. During the effective period of the development and operating agreement, the applicant may request in writing and the department may propose a modification of the development and operating agreement. The applicant's request and the department initiated proposal shall be made by June 1 of each year for implementation in the following year. The department shall provide notice of the request or proposed modification as provided in subsection J.4 of this section. The department shall submit to the hearing examiner its recommendation on the request not later than August 1.

T. No later than October 15 of each year, the hearing examiner shall conduct a public meeting in the vicinity of the project site for the purpose of gathering community input on the operation of facility during the preceding year and on any modifications to the development and operating agreement. The department shall provide a notice of the meeting as provided in subsection J.4. of this section.

U.1. Beginning on December 31 of the year after the effective date of the ordinance authorizing the execution of the development and operating agreement, and for each subsequent year, the hearing examiner shall prepare and submit to the council a report that:

- a. describes the current status of the phases of the development;
- b. evaluates compliance with development and operation agreement conditions during the preceding year;
- c. identifies issues and concerns that have been brought forward by the community, Pacific Raceways and the department;
- d. evaluates proposed modifications to the development and operating agreement; and
- e. outlines potential steps to ensure compliance with the development and operating agreement.

2. The report shall be presented in a briefing by the hearing examiner to the transportation, economy and environment committee, or its applicable successor, at which the department and project operator shall be present.

V. The director shall submit a report on the master planning demonstration project to the council within sixty days of the council's adoption of the ordinance approving the development and operating agreement. The report shall evaluate the efficacy of the master planning process and may include recommended changes to the master planning process to address problems or deficiencies in the process identified by the department. The department shall solicit comments from the applicant, the hearing examiner, and

the public, identified in subsection J.4. of this section, on the master planning process and include a synopsis of those comments in the report.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 20.24 a new section to read as follows:

The examiner shall receive and examine available information, conduct public meetings and prepare records and reports thereof for transmittal to the council, as provided in section 3 of this ordinance.

NEW SECTION. SECTION 5. A. As authorized by WAC 197-11-420, the department and the applicant shall utilize the process set forth in this section to select a consultant who will be responsible for preparing the environmental impact statement required by section 6 of this ordinance.

1. After the effective date of this ordinance, the applicant shall submit to the department the names of up to three consultant candidates. Within fourteen days of receipt of the list of candidates, the department shall either select a consultant from that list or notify the applicant in writing of its objections to the candidates and include in that notice a list of up to three alternative candidates. Within fourteen days, the applicant shall notify the department in writing either it accepts one of the three alternative candidates suggested by the department or advise the department of its objections to the candidates.

2. If the department and applicant are unable to agree on a consultant, the department shall notify the clerk of the council and the chair of the transportation, economy and environment committee chair or its successor committee, and the council

shall select a consultant by ordinance from the lists of candidates provided by the applicant and department.

B. The selected consultant shall be retained by the department, and all costs for the services of the consultant and sub-consultants shall be paid by the applicant.

C. The consultant shall have the following responsibilities:

1. Coordinate the scoping process, as provided in WAC 197-11-410(1)(c), and prepare the scoping documents in consultation with the department and the applicant in accordance with WAC 197-11-408; provided however, the consultant shall hold at least one public meeting as required by subsection C.2. of this section;

2. Select and retain sub-consultants to assist in the preparation of the environmental impact statement;

3. Conduct one or more public meetings on the environmental impact of the master planning proposal, pursuant to WAC 197-11-535. The first meeting shall be held within thirty days after the applicant has filed its master planning proposal with the department. This first meeting will be held jointly with the department's first meeting as required by subsection 3.J.6. of this ordinance. The consultant shall coordinate with the department to ensure that those persons identified in subsection 3.J.4. of this ordinance receive notice of any public meetings on the environmental impacts of the master planning proposal.

4. Coordinate with the department to ensure that the consultant receives all public comments submitted in a timely manner;

5. Maintain a log of all oral and written comments received and provide them periodically to the department and applicant;

6. Coordinate with the department in providing any public notice required under the applicable provisions of this ordinance, WAC chapter 197-11 and King County Code Chapter 20.44;

7. Present the draft environmental impact statement to the department and the applicant no later than nine months after the determination of significance has been issued;

8. Present the final environmental impact statement to the department and the applicant no later than sixty days after the close of the applicable comment period on the draft environmental impact statement, unless the consultant determines that additional time is needed, based upon the nature and extent of comments received.

NEW SECTION. SECTION 6. An environmental impact statement shall be prepared for the proposed expansion of Pacific Raceways, subject to the following:

A. The department shall be the lead agency with the responsibility of determining the adequacy of and issuing the draft and final environmental impact statement;

B. Subject to the requirements and limitations of WAC chapter 197-11, the environmental impact statement shall review the potential new impacts that may occur over and above those impacts currently allowed pursuant to the conditions of CUP File Nos. A-71-0-81 and L08CU006.

C. The "No Action" alternative of the environmental impact statement shall reflect the existing the development of the Pacific Raceways site;

D. The public comment period for the draft environmental impact statement shall be limited to thirty days, unless the consultant recommends an extension; and

E. The department and the applicant shall submit only one set of comments to the consultant during the public comment period.

NEW SECTION. SECTION 7. A new section is hereby added to K.C.C. chapter 27.02 to read as follows:

A. The application for a master planning demonstration project under section 3 of this ordinance shall be subject to the provisions of this title applicable to the project management program and King County shall be compensated at the hourly rate in effect when the work is performed for all costs incurred by King County related to the review and monitoring of the demonstration project, including, but not limited to costs for the:

1. Review of the master planning application;
  2. Review of environmental documents submitted to the department by the consultant selected pursuant to section 5 of this ordinance;
  3. Preparation and issuance of the department-recommended development and operating agreement;
  4. Issuance of public notices;
  5. Conduct of meetings;
  6. Response to public inquiries related specifically to such notices and meetings;
- and
7. Monitoring of the approved development and operating agreement.

B. The review costs for permit applications and studies related to specific development proposals consistent with the development and operating agreement shall be governed by this title.

C. The costs from the consultant selected pursuant to section 5 of this ordinance and billed to the department shall be paid by the applicant and shall be governed by this title.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Racetrack: an establishment offering services and uses located in:

- A. SIC Industry No. 7948; or
- B. A regional motor sports facility.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Regional motor sports facility. A racetrack established through a master planning demonstration project, in which the following is authorized:

A. Motor vehicle racing and driving on surfaces such as:

- 1. A road course;
- 2. A kart course;
- 3. A motocross course;
- 4. Five-sixteenth-mile oval track; and
- 5. Up to two drag strips; and

B. Uses in conjunction with the regional motor sports facility, the scope of which are established as part of the master planning demonstration project process:

- 1. Both retail and wholesale sales;
- 2. Automotive repair; service and storage
- 3. Fire station;



4. Service station, including sale of fuel;
5. Driving school;
6. Daycare;
7. Manufacturing;
8. Restaurant and concessions;
9. Extraction and limited processing of dirt, sand and gravel;
10. Short-term accommodations recreational vehicle parking, for race participants and viewers; and
11. Police and fire safety training.

**SECTION 10.** Ordinance 10870, Section 331, as amended, and K.C.C.

21A.08.040 are each hereby amended to read as follows:

**A. Recreational/cultural land uses.**

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P-Permitted Use		A	F	M	R	U R	U	R	N B	C B	R B	O	I
C-Conditional Use		G	O	I	U	R E	R	E	E U	O U	E U	F	N
S-Special Use		R	R	N	R	B S	B	S	I S	M S	G S	F	D
		I	E	E	A	A E	A	I	G I	M I	I I	I	U
		C	S	R	L	N R	N	D	H N	U N	O N	C	S
		U	T	A		V		E	B E	N E	N E	E	T
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		T						T	R S	T S	L S		I
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		R						A	O				L
		E						L	O				
									D				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I

	<b>PARK/RECREATION:</b>												
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
	Large Active Recreation and Multiuse Park		P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P
*	Campgrounds		P16 C16 a	P16	P16 C1 6a	P16 C16 a							P16 C16 a
*	Destination Resorts		S		S18	C					C		
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19							<u>P29</u>
*	Sports Club (17)				C4 and 18	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
*	Recreational Camp		C		P24 C								
	<b>AMUSEMENT/ENTER TAINMENT:</b>												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	P25
783 3	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and	P7	P7	P7					

[illegible]

chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.
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B. Development conditions.

1. The following conditions and limitations shall apply, where appropriate:

- a. No stadiums on sites less than ten acres;
- b. Lighting for structures and fields shall be directed away from residential areas;
- c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030;
- d. Facilities in the A zone shall be limited to trails and trailheads, including related accessory uses such as parking and sanitary facilities; and
- e. Overnight camping is allowed only in an approved campground.

2. Recreational vehicle parks are subject to the following conditions and limitations:

- a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period;
- b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and
- c. Sewage shall be disposed in a system approved by the Seattle-King County health department.

3. Limited to day moorage. The marina shall not create a need for off-site public services beyond those already available before the date of application.

4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential or rural character of the area;

b. For sports clubs, the gross floor area shall not exceed ten thousand square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and

c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

5. Limited to day moorage.

6.a. Adult entertainment businesses shall be prohibited within three hundred thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than three thousand feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned RA, UR or R or that contain the uses identified in this subsection B.6.a.

b. Adult entertainment businesses shall not be permitted within an area likely to be annexed to a city subject to an executed interlocal agreement between King County and a city declaring that the city will provide opportunities for the location of adult

businesses to serve the area. The areas include those identified in the maps attached to Ordinance 13546.

7. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least fifty feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. Within the RA zone, those facilities shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area, regionally significant resource areas or locally significant resource areas. Ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings and other structures housing administrative offices or activities that provide convenience services to players. These convenience services are limited to a pro shop, food services and dressing facilities and shall occupy a total of no more than ten thousand square feet. Furthermore, the residential density that is otherwise permitted by the zone shall not be used on other portions of the site through clustering or on other sites through the transfer of density provision. This residential density clustering or transfer limitation shall be reflected in a deed restriction that is recorded at the time applicable permits for the development of the golf course are issued.

8. Limited to golf driving ranges, only as:

- a. accessory to golf courses; or
- b. accessory to ((a)) large active recreation and multiuse parks.

9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, but existing facilities shall be exempt.

b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets or arrows from leaving the property.

c. Site plans shall include: safety features of the range; provisions for reducing sound produced on the firing line; elevations of the range showing target area, backdrops or butts; and approximate locations of buildings on adjoining properties.

d. Subject to the licensing provisions of K.C.C. Title 6.

10.a. Only in an enclosed building, and subject to the licensing provisions of K.C.C. Title 6;

b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:

(1) installing ventilation systems that provide sufficient clean air in the user's breathing zone, and

(2) adopting appropriate procedures and policies that monitor and control exposure time to airborne lead for individual users.

11. Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a King County landmark subject to K.C.C. chapter 21A.32.

12. Only as accessory to a nonresidential use established through a discretionary permit process, if the scale is limited to ensure compatibility with surrounding

neighborhoods. This condition applies to the UR zone only if the property is located within a designated unincorporated rural town.

13. Subject to the following:

a. The park shall abut an existing park on one or more sides, intervening roads notwithstanding;

b. No bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted;

c. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located; and

d. All buildings or structures or service yards on the site shall maintain a distance not less than fifty feet from any property line and from any public street.

14. Excluding amusement and recreational uses classified elsewhere in this chapter.

15. For amusement and recreation services not otherwise provided for in this chapter:

a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on sites at least five acres or larger;

b. Retail sales are limited to incidental sales to patrons of the amusement or recreation service; and

c. Does not involve the operation of motor vehicles or off-road vehicles, including, but not limited to, motorcycles and go-carts.

16. Subject to the following conditions:



a. The length of stay per party in campgrounds shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period; and

b. Only for campgrounds that are part of a proposed or existing county park, that are subject to review and public meetings through the department of natural resources and parks.

17. Only for stand-alone sports clubs that are not part of a park.

18. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.

19. Only as accessory to a large active recreation and multiuse park.

20. Only as accessory to a large active recreation and multiuse park with the floor area of an individual outdoor performance center stage limited to three thousand square feet.

21. Limited to rentals of sports and recreation equipment with a total floor area of no more than seven hundred fifty square feet and only as accessory to a park, or in the RA zones, to a large active recreation and multiuse park.

22. Only as accessory to a large active recreation and multiuse park and limited to:

- a. water slides, wave pools and associated water recreation facilities; and
- b. rentals of sports and recreation equipment.

23. Limited to natural resource and heritage museums and only allowed in a farm or forestry structure, including, but not limited to barns or sawmills, existing as of December 31, 2003.

24. Use is permitted without a conditional use permit only when in compliance with all of the following conditions:

a. The use is limited to camps for youths or for persons with special needs due to a disability, as defined by the American With Disabilities Act of 1990, or due to a medical condition and including training for leaders for those who use the camp;

b. Active recreational activities shall not involve the use of motorized vehicles such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The prohibition on motorized vehicles does not apply to such vehicles that may be necessary for operation and maintenance of the facility or to a client-specific vehicle used as a personal mobility device;

c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number of overnight campers, not including camp personnel, in a new camp shall not exceed:

(a) one hundred and fifty for a camp between twenty and forty acres; or

(b) for a camp greater than forty acres, but less than two hundred and fifty acres, the number of users allowed by the design capacity of a water system and on-site sewage disposal system approved by the department of health, Seattle/King County, up to a maximum of three hundred and fifty; and

(2) Existing camps shall be subject to the following:

(a) For a camp established before August 11, 2005, with a conditional use permit and is forty acres or larger, but less than one hundred and sixty acres, the number of overnight campers, not including camp personnel, may be up to one hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

(b) For a camp established before August 11, 2005, with a conditional use permit and is one hundred and sixty acres or larger, but less than two hundred acres, the number of overnight campers, not including camp personnel, may be up to three hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section. The camp may terminate operations at its existing site and establish a new camp if the area of the camp is greater than two hundred and fifty acres and the number of overnight campers, not including camp personnel, shall not exceed seven hundred.

d. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

e. The camp facilities, such as a medical station, food service hall, and activity rooms, shall be of a scale to serve overnight camp users;

f. The minimum size of parcel for such use shall be twenty acres;

g. Except for any permanent caretaker residence, all new structures where camp users will be housed, fed or assembled shall be no less than fifty feet from properties not related to the camp;

h. In order to reduce the visual impacts of parking areas, sports and activity fields or new structures where campers will be housed, fed or assembled, the applicant shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest property line and such parking area, field, or structures, by retaining existing vegetation or augmenting as necessary to achieve the required level of screening;

i. If the site is adjacent to an arterial roadway, access to the site shall be directly onto said arterial unless direct access is unsafe due inadequate sight distance or extreme grade separation between the roadway and the site;

j. If direct access to the site is via local access streets, transportation demand management measures, such as use of carpools, buses or vans to bring in campers, shall be used to minimize traffic impacts;

k. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any adjacent property; and

l. A community meeting shall be convened by the applicant (~~((before))~~) before submittal of an application for permits to establish a camp, or to expand the number of camp users on an existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of the meeting shall be provided at least two weeks in advance to all property owners within five hundred feet, or at least twenty of the nearest property owners, whichever is greater. The notice shall at a minimum contain a brief description of the project and the location, as well as, contact persons and numbers.

25. Limited to theaters primarily for live productions located within a Rural Town designated by the King County Comprehensive Plan.

26.a. Only in an enclosed building; and

b. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be maintained in the department.

27. Minimum standards for outdoor paintball recreation fields:

a. The minimum site area is twenty-five acres;

b. Structure shall be no closer than one hundred feet from any lot line adjacent to a residential zoned property;

c. The area where paintballs are discharged shall be located more than three hundred feet of any lot line and more than five hundred feet from the lot line of any

adjoining residential property. The department may allow for a lesser setback if it determines through the conditional use permit review that the lesser setback in combination with other elements of the site design provides adequate protection to adjoining properties and rights-of-ways;

d. A twenty-foot high nylon mesh screen shall be installed around all play areas and shall be removed at the end of each day when the play area is not being used. The department may allow for the height of the screen to be lowered to no less than ten feet if it determines through the conditional use permit review that the lower screen in combination with other elements of the site design provides adequate protection from discharged paintballs;

e. All parking and spectator areas, structures and play areas shall be screened from adjoining residential zoned property and public rights of way with Type 1 landscaping at least ten feet wide;

f. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity and conducted only for the participants of the site;

g. A plan of operations specifying days and hours of operation, number of participants and employees, types of equipment to be used by users of the site, safety procedures, type of compressed air fuel to be used on the site and storage and maintenance procedures for the compressed air fuel shall be provided for review in conjunction with the conditional use permit application. All safety procedures shall be reviewed and approved by department of public safety before submittal of the conditional use permit application. All activities shall be in compliance with National Paintball League standards;

h. The hours of operation shall be limited to Saturdays and Sundays and statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to daylight hours;

i. No more than one hundred paintball players shall be allowed on the site at any one time;

j. No outdoor lights or amplified sounds shall be permitted;

k. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the department determines through the conditional use permit review that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage;

l. The facility shall be secured at the close of business each day;

m. All equipment and objects used in the paintball activities shall be removed from the site within ninety days of the discontinuance of the paintball use; and

n. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be submitted with the conditional use permit application and shall be maintained in the department.

28. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035

. 29. Only if:

a. the recreational vehicle park is located on the site of a regional motor sport facility;

b. services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

c. the general location of the recreational vehicle park conforms to the council-approved master site plan for the regional motor sport facility.

SECTION 11. Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050 are each hereby amended to read as follows:

A. General services land uses.

KEY		Z	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use			A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use			G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use			R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
			O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A			V		E	B	E	N	E	N	E	E	T
			L		L			E		N	O	S	I	S	A	S		R
			T							T	R	S	T	S	L	S		I
			U							I	H		Y					A
			R							A	O							L
			E							L	O							
											D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I					
	PERSONAL SERVICES:																	
72	General Personal Service						C25 C37	C25 C37*	P	P	P	P3	P 3					
7216	Drycleaning Plants												P					
7218	Industrial Launderers												P					
7261	Funeral Home/Crematory					C4	C4	C4		P	P							
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24						



*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P 7
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P 7
074	Veterinary Clinic	P9			P9 C10 and 31	P9 C10			P10	P10	P10		P
753	Automotive Repair (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P
76	Miscellaneous Repair	P3 3			P32 P33	P32	P32	P32	P32	P	P		P
866	Church, Synagogue, Temple				P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P13	P	P	P	
0752	Animal specialty services				C P35 P36	C			P	P	P	P	P
*	Stable	P1 4 C			P14 C31	P14 C	P 14 C						
*	Kennel or Cattery	P9			C	C				C	P		
*	Theatrical Production Services									P30	P28		

*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling Facility				P21	P21	P21	P21	P22	P22	P	P21	P
*	Dog training facility	C34			C34	C34			P	P	P		P
	<b>HEALTH SERVICES:</b>												
801-04	Office/Outpatient Clinic				P12 C 13a	P12 C13a	P12 C13a C37	P12 C13a C37	P	P	P	P	P
805	Nursing and Personal Care Facilities							C		P	P		
806	Hospital						C13a	C13a		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808-09	Miscellaneous Health									P	P	P	
	<b>EDUCATION SERVICES:</b>												
*	Elementary School				P15 and 31	P	P	P		P16c	P16c	P16 c	
*	Middle/Junior High School				P16 C15 and 31	P	P	P		P16c	P16c	P16 c	
*	Secondary or High School				P16 C15 and	P26	P26	P26		P16c C	P16c C	P16 c	

					26 and 31								
*	Vocational School				P13a C31	P13a C	P13a C	P13a C			P	P17	P
*	Specialized Instruction School		P1 8		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P
*	School District Support Facility				P16 C15 and 23 and 31	P23 C	P23 C	P23 C	C	P	P	P	P
<b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development <b>REFERENCES:</b> Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.													

- B. Development conditions.
1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted use table.
  2. Except SIC Industry Group Nos.:
    - a. 835-Day Care Services, and
    - b. 836-Residential Care, which is otherwise provided for on the residential permitted land use table.
  3. Limited to SIC Industry Group and Industry Nos.:

- a. 723-Beauty Shops;
- b. 724-Barber Shops;
- c. 725-Shoe Repair Shops and Shoeshine Parlors;
- d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- e. 217-Carpet and Upholstery Cleaning.

4. Only as accessory to a cemetery, and prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.

5. Structures shall maintain a minimum distance of one hundred feet from property lines adjoining residential zones.

6. Only as accessory to residential use, and:

- a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and

- b. Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones.

7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C. 21A.08.060.A., or when located on the site of a regional motor sport facility:

- a. services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

- b. the general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, and:

a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;

b. Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones;

c. Direct access to a developed arterial street shall be required in any residential zone; and

d. Hours of operation may be restricted to assure compatibility with surrounding development.

9.a. As a home occupation only, but the square footage limitations in K.C.C. chapter 21A.30 for home occupations apply only to the office space for the veterinary clinic, office space for the kennel or office space for the cattery, and:

(1) Boarding or overnight stay of animals is allowed only on sites of five acres or more;

(2) No burning of refuse or dead animals is allowed;

(3) The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

(4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

b. The following additional provisions apply to kennels or catteries in the A zone:

(1) Impervious surface for the kennel or cattery shall not exceed twelve thousand square feet;

(2) Obedience training classes are not allowed except as provided in subsection B.34. of this section; and

(3) Any buildings or structures used for housing animals and any outdoor runs shall be set back one hundred and fifty feet from property lines.

10.a. No burning of refuse or dead animals is allowed;

b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

11. The repair work or service shall only be performed in an enclosed building, and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery Repair Shops and Paint Shops is not allowed.

12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

13.a. Except as otherwise provided in 13.b. of this subsection, only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

b. Allowed for a social service agency on a site in the NB zone that serves transitional or low-income housing located within three hundred feet of the site on which the social service agency is located.

c. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not exceed twenty thousand square feet, but stabling areas, whether attached or detached, shall not be counted in this calculation.

15. Limited to projects that do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility and serving only the public school or the school facility may be used. New public high schools shall be permitted subject to the review process in K.C.C. 21A.42.140.

16.a. For middle or junior high schools and secondary or high schools or school facilities, only as a reuse of a public school facility or school facility subject to K.C.C. chapter 21A.32. An expansion of such a school or a school facility shall be subject to approval of a conditional use permit and the expansion shall not require or result in an extension of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility may be used.

b. Renovation, expansion, modernization or reconstruction of a school, a school facility, or the addition of relocatable facilities, is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a

tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility may be used.

c. In CB, RB and O, for K-12 schools with no more than one hundred students.

17. All instruction must be within an enclosed structure.

18. Limited to resource management education programs.

19. Only as accessory to residential use, and:

a. Students shall be limited to twelve per one-hour session;

b. Except as provided in subsection c. of this subsection, all instruction must be within an enclosed structure;

c. Outdoor instruction may be allowed on properties at least two and one-half acres in size. Any outdoor activity must comply with the requirements for setbacks in K.C.C. chapter 21A.12; and

d. Structures used for the school shall maintain a distance of twenty-five feet from property lines adjoining residential zones.

20. Subject to the following:

a. Structures used for the school and accessory uses shall maintain a minimum distance of twenty-five feet from property lines adjoining residential zones;

b. On lots over two and one-half acres:

(1) Retail sale of items related to the instructional courses is permitted, if total floor area for retail sales is limited to two thousand square feet;

(2) Sale of food prepared in the instructional courses is permitted with Seattle-King County department of public health approval, if total floor area for food



sales is limited to one thousand square feet and is located in the same structure as the school; and

(3) Other incidental student-supporting uses are allowed, if such uses are found to be both compatible with and incidental to the principal use; and

c. On sites over ten acres, located in a designated Rural Town and zoned any one or more of UR, R-1 and R-4:

(1) Retail sale of items related to the instructional courses is permitted, provided total floor area for retail sales is limited to two thousand square feet;

(2) Sale of food prepared in the instructional courses is permitted with Seattle-King County department of public health approval, if total floor area for food sales is limited to one thousand seven hundred fifty square feet and is located in the same structure as the school;

(3) Other incidental student-supporting uses are allowed, if the uses are found to be functionally related, subordinate, compatible with and incidental to the principal use;

(4) The use shall be integrated with allowable agricultural uses on the site;

(5) Advertised special events shall comply with the temporary use requirements of this chapter; and

(6) Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than fifty percent of their prior value, may reconstruct and expand an additional sixty-five percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with development condition B.20.c. of this section and this title.

21. Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

22. With the exception of drop box facilities for the collection and temporary storage of recyclable materials, all processing and storage of material shall be within enclosed buildings. Yard waste processing is not permitted.

23. Only if adjacent to an existing or proposed school.

24. Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.

25. Not permitted in R-1 and limited to a maximum of five thousand square feet per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

26.a. New high schools shall be permitted in the rural and the urban residential and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

b. Renovation, expansion, modernization, or reconstruction of a school, or the addition of relocatable facilities, is permitted.

27. Limited to projects that do not require or result in an expansion of sewer service outside the urban growth area. In addition, such use shall not be permitted in the RA-20 zone.

28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32 or as a joint use of an existing public school facility.

29. All studio use must be within an enclosed structure.

30. Adult use facilities shall be prohibited within six hundred sixty feet of any residential zones, any other adult use facility, school, licensed daycare centers, parks,

community centers, public libraries or churches that conduct religious or educational classes for minors.

31. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.

32. Limited to repair of sports and recreation equipment:

a. as accessory to a large active recreation and multiuse park in the urban growth area; or

b. as accessory to a park, or a large active recreation and multiuse park in the RA zones, and limited to a total floor area of seven hundred fifty square feet.

33. Accessory to agricultural or forestry uses provided:

a. the repair of tools and machinery is limited to those necessary for the operation of a farm or forest.

b. the lot is at least five acres.

c. the size of the total repair use is limited to one percent of the lot size up to a maximum of five thousand square feet unless located in a farm structure, including, but not limited to barns, existing as of December 31, 2003.

34. Subject to the following:

a. the lot is at least five acres;

b. in the A zones, area used for dog training shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production or areas without prime agricultural soils;

c. structures and areas used for dog training shall maintain a minimum distance of seventy-five feet from property lines; and

d. all training activities shall be conducted within fenced areas or in indoor facilities. Fences must be sufficient to contain the dogs.

35. Limited to animal rescue shelters and provided that:

a. the property shall be at least four acres;

b. buildings used to house rescued animals shall be no less than fifty feet from property lines;

c. outdoor animal enclosure areas shall be located no less than thirty feet from property lines and shall be fenced in a manner sufficient to contain the animals;

d. the facility shall be operated by a nonprofit organization registered under the Internal Revenue Code as a 501(c)(3) organization; and

e. the facility shall maintain normal hours of operation no earlier than 7 a.m. and no later than 7 p.m.

36. Limited to kennel-free dog boarding and daycare facilities, and:

a. the property shall be at least four and one-half acres;

b. buildings housing dogs shall be no less than seventy-five feet from property lines;

c. outdoor exercise areas shall be located no less than thirty feet from property lines and shall be fenced in a manner sufficient to contain the dogs;

d. the number of dogs allowed shall be limited to twenty-five, consistent with the provisions for hobby kennels, as provided in K.C.C. 11.04.060.B;

e. training and grooming are ancillary services that may be provided only to dogs staying at the facility; and

f. the facility shall maintain normal hours of operation no earlier than 7 a.m. and no later than 7 p.m.

37. Not permitted in R-1 and subject to the additional requirements in K.C.C.

21A.12.250.

**SECTION 12.** Ordinance 10870, Section 333, as amended, and K.C.C.

21A.08.060 are each hereby amended to read as follows:

**A. Government/business services land uses.**

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL									
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use		Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A			V		E	B	E	N	E	N	E	E	T
		L			L			E		N	O	S	I	S	A	S		R
		T								T	R	S	T	S	L	S		I
		U								I	H		Y					A
		R							A	O							L	
		E							L	O								
										D								
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48		NB	CB	RB	O				I (30)	
	GOVERNMENT SERVICES:																	
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C		P	P	P	P				P16	

*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility	P29 C28	P29 C28	P29 C28	P29 C28 and 33	P29 C28	P29 C2	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	<b>BUSINESS SERVICES:</b>												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P

[illegible]

873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	<b>ACCESSORY USES:</b>												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop					C23	C2 3	C23	C23	C23	C24	C23	C24
<b>GENERAL</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see chapters <b>CROSS</b> 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and <b>REFERENC</b> Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*) Definition of this specific land use, see <b>ES:</b> K.C.C. chapter 21A.06.													

**B. Development conditions.**

1. Except self-service storage.
2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and Educational Research, see general business service/office.
  - 3.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of K.C.C. chapter 21A.32; or
    - b. only when accessory to a fire facility and the office is no greater than one thousand five hundred square feet of floor area.
  4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
  5. New utility office locations only if there is no commercial/industrial zoning in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that no feasible alternative location is possible, and provided further that this condition



applies to the UR zone only if the property is located within a designated unincorporated Rural Town.

6.a. All buildings and structures shall maintain a minimum distance of twenty feet from property lines adjoining residential zones;

b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of thirty-five feet from such street;

c. No outdoor storage; and

d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no feasible alternative location is possible.

7. Limited to storefront police offices. Such offices shall not have:

a. holding cells;

b. suspect interview rooms (except in the NB zone); ~~((for))~~ or

c. long-term storage of stolen properties.

8. Private stormwater management facilities serving development proposals located on commercial/industrial zoned lands shall also be located on commercial/industrial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated urban in the King County Comprehensive Plan shall only be located in the urban area.

9. No outdoor storage of materials.

10. Limited to office uses.

11. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.

12. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

13. Limited to SIC Industry No. 4215-Courier Services, except by air.

14. Accessory to an apartment development of at least twelve units provided:

a. The gross floor area in self service storage shall not exceed the total gross floor area of the apartment dwellings on the site;

b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;

c. The use of the facility shall be limited to dead storage of household goods;

d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;

e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;

f. No residential occupancy of the storage units;

g. No business activity other than the rental of storage units;

h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval; and

i. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

15.a. The floor area devoted to warehousing, refrigeration or storage shall not exceed two thousand square feet;

b. Structures and areas used for warehousing, refrigeration and storage shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones; and

c. Warehousing, refrigeration and storage is limited to agricultural products and sixty percent or more of the products must be grown or processed in the Puget Sound counties. At the time of the initial application, the applicant shall submit a projection of the source of products to be included in the warehousing, refrigeration or storage.

16. Only as an accessory use to another permitted use, or when located on the site of a regional motor sport facility:

a. Services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

b. The general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

17. No outdoor storage.

18. Only as an accessory use to a public agency or utility yard, or to a transfer station.

19. Limited to new commuter parking lots designed for thirty or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses that have excess capacity available during commuting; provided that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the department of transportation;

20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

21. No dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.

22. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

23. Limited to emergency medical evacuation sites in conjunction with police, fire or health service facility. Helistops are prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.

24. Allowed as accessory to an allowed use.

25. Limited to private road ambulance services with no outside storage of vehicles.

26. Limited to two acres or less.

27a. Utility yards only on sites with utility district offices; or

b. Public agency yards are limited to material storage for road maintenance facilities.

28. Limited to bulk gas storage tanks that pipe to individual residences but excluding liquefied natural gas storage tanks.

29. Excluding bulk gas storage tanks.

30. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

31. Vactor waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.

32. Provided:

a. Off-street required parking for a land use located in the urban area must be located in the urban area;

b. Off-street required parking for a land use located in the rural area must be located in the rural area; and

c.(1) Except as provided in 32.c.(2) of this subsection, off-street required parking must be located on a lot that would permit, either outright or through a land use permit approval process, the land use the off-street parking will serve.

(2) For a social service agency allowed under K.C.C. 21A.08.050.B.13.b. to be located on a site in the NB zone, off-street required parking may be located on a site within three hundred feet of the social service agency, regardless of zoning classification of the site on which the parking is located.

33. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.

34. Limited to landscape and horticultural services (SIC 078) that are accessory to a retail nursery, garden center and farm supply store. Construction equipment for the accessory use shall not be stored on the premises.

35. Allowed as a primary or accessory use to an allowed industrial-zoned land use.

36. Accessory to agricultural uses provided:

a. In the RA zones and on lots less than thirty-five acres in the A zone, the floor area devoted to warehousing, refrigeration or storage shall not exceed three

thousand five hundred square feet unless located in a building designated as historic resource under K.C.C. chapter 20.62;

b. On lots at least thirty-five acres in the A zones, the floor area devoted to warehousing, refrigeration or storage shall not exceed seven thousand square feet unless located in a building designated as historic resource under K.C.C. chapter 20.62.

c. In the A zones, structures and areas used for warehousing, refrigeration and storage shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils;

d. Structures and areas used for warehousing, refrigeration or storage shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones; and

e. Warehousing, refrigeration and storage is limited to agricultural products and sixty percent or more of the products must be grown or processed in the Puget Sound counties. At the time of the initial application, the applicant shall submit a projection of the source of products to be included in the warehousing, refrigeration or storage.

37. Use shall be limited to the NB zone on parcels outside of the Urban Growth Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such use shall not exceed ten thousand square feet.

SECTION 13. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are each hereby amended to read as follows:

A. Retail land uses.

KEY		Z	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use			A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use			G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use			R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
			O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A			V		E	B	E	N	E	N	E	E	T
			L		L			E		N	O	S	I	S	A	S		R
			T							T	R	S	T	S	L	S		I
			U							I	H		Y					A
			R							A	O							L
			E							L	O							
											D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)					
*	Building Materials and Hardware Stores		P23						P2	P	P							
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P							
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P							

*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores						C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3	P3						
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		<u>P24</u>
554	Gasoline Service Stations								P	P	P		<u>P24</u>
56	Apparel and Accessory Stores									P	P		<u>P25</u>
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	<u>P24</u>
*	Drug Stores						C15a	P15	P	P	P	C	
592	Liquor Stores	P13			P13	P13			P13	P	P		
593	Used Goods: Antiques/									P	P		



	Secondhand Shops												
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		

*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales	P17	P17		P17	P17	P17 and 18						P
<b>GENERAL</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards,											
<b>CROSS</b>		see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32											
<b>REFERENCES:</b>		through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

**B. Development conditions.**

1.a. As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area.

Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of the covered sales area;

- b. The site area shall be at least four and one-half acres;
- c. Sales may include locally made arts and crafts; and
- d. Outside lighting is permitted if no off-site glare is allowed.

**2. Only hardware stores.**

**3.a. Limited to products grown on site.**

- b. Covered sales areas shall not exceed a total area of five hundred square feet.

**4. No permanent structures or signs.**

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.

6. Limited to a maximum of two thousand square feet of gross floor area, or when located on the site of a regional motor sport facility:

a. Services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

b. The general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

7.a. As a permitted use, the covered sales area shall not exceed two thousand square feet, unless located in a building designated as a historic resource under K.C.C. chapter 20.62. As a conditional use, up to three thousand five hundred square feet of covered sales area may be allowed;

b. The site area shall be at least four and one-half acres;

c. Forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;

d. Sixty percent or more of the gross sales of agricultural products sold through the store shall be derived from products grown or produced in the Puget Sound counties.

At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

e. Sales shall be limited to agricultural products and locally made arts and crafts;

f. Storage areas for agricultural products may be included in a farm store structure or in any accessory building; and

- g. Outside lighting is permitted if no off-site glare is allowed.
- 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 10. Excluding SIC Industry No. 5813-Drinking Places.
- 11. No outside storage of fuel trucks and equipment.
- 12. Excluding vehicle and livestock auctions.
- 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.
- 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and
  - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
- 15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and
  - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
- 16. a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and
  - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

17. Retail sale of livestock is permitted only as accessory to raising livestock.
18. Limited to the R-1 zone.
19. Only as:
  - a. an accessory use to a permitted manufacturing or retail land use, limited to espresso stands to include sales of beverages and incidental food items, and not to include drive-through sales; or
  - b. an accessory use to a large active recreation and multiuse park, limited to a total floor area of three thousand five hundred square feet.
20. Only as:
  - a. an accessory use to a large active recreation and multiuse park; or
  - b. an accessory use to a park and limited to a total floor area of one thousand five hundred square feet.
21. Accessory to a park, limited to a total floor area of seven hundred fifty square feet.
22. Only as an accessory use to:
  - a. a large active recreation and multiuse park in the urban growth area; or
  - b. a park, or a large active recreation and multiuse park in the RA zones, and limited to a total floor area of seven hundred and fifty square feet.
23. Only as accessory to SIC Industry Group No. 242-Sawmills and;
  - a. limited to lumber milled on site; and
  - b. the covered sales area is limited to two thousand square feet. The covered sales area does not include covered areas used to display only milled lumber.
24. For establishments located on the site of a regional motor sport facility:

- a. services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and
- b. the general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

25. Only when:

- a. located on the site of a regional motor sport facility;
- b. services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and
- c. the general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

SECTION 14. Ordinance 10870, Section 335, as amended, and K.C.C.

21A.08.080 are each hereby amended to read as follows:

A. Manufacturing land uses.

KEY		RESOURCE			RESIDENTIAL					COMMERCIAL/INDUSTRIAL							
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
		L		L			E		N	O	S	I	S	A	S		R
		T							T	R	S	T	S	L	S		I
		U							I	H		Y					A
		R							A	O							L
		E							L	O							
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21A.38 Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;

(\*)Definition of this specific land use, see K.C.C. chapter 21A.06

B. Development conditions.

1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;

b. In the A zone, only allowed on sites where the primary use is SIC industry Group No. 01-Growing Harvesting Crops or No. 02-Raising Livestock and Small Animals.

c. In the RA and UR zones, only allowed on lots of at least four and one-half acres and only when accessory to an agricultural use;

d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section, the floor area devoted to all processing shall not exceed three thousand five hundred square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

(2) With a conditional use permit, up to five thousand square feet of floor area may be devoted to all processing; and

(3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to all processing shall not exceed seven thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

e. Structures and areas used for processing shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

f. Processing is limited to agricultural products and sixty percent or more of the products processed must be grown in the Puget Sound counties. At the time of initial

application, the applicant shall submit a projection of the source of products to be produced;

g. In the A zone, structures used for processing shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils; and

h. Tasting of products produced on site may be provided. The area devoted to tasting shall be included in the floor area limitation in subsection B.1.d. of this section.

2. Except slaughterhouses.

3.a. Limited to wineries and SIC Industry No. 2082-Malt Beverages;

b. In the A zone, only allowed on sites where the primary use is SIC Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

c. In the RA and UR zones, only allowed on lots of at least four and one-half acres;

d. The floor area devoted to all processing shall not exceed three thousand five hundred square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62.

e. Structures and areas used for processing shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

f. Sixty percent or more of the products processed must be grown in the Puget Sound counties. At the time of the initial application, the applicant shall submit a projection of the source of products to be produced; and

g. Tasting of products produced on site may be provided. The area devoted to tasting shall be included in the floor area limitation in subsection B.3.c. of this section.

4. Limited to rough milling and planing of products grown on-site with portable equipment.

5. Limited to SIC Industry Group No. 242-Sawmills. For RA zoned sites, limited to RA-10 on lots at least ten acres in size and only as accessory to forestry uses.

6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and No. 2431-Millwork, (excluding planing mills).

7. Limited to photocopying and printing services offered to the general public.

8. Only within enclosed buildings, and as an accessory use to retail sales.

9. Only within enclosed buildings.

10. Limited to boat building of craft not exceeding forty-eight feet in length.

11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

12. Limited to wineries and SIC Industry No. 2082-Malt Beverages;

b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area of structures for wineries and breweries and any accessory uses shall not exceed a total of eight thousand square feet. The floor area may be increased by up to an additional eight

thousand square feet of underground storage that is constructed completely below natural grade, not including required exits and access points, if the underground storage is at least one foot below the surface and is not visible above ground; and

(2) On Vashon-Maury Island, the total floor area of structures for wineries and breweries and any accessory uses may not exceed six thousand square feet, including underground storage;

c. Wineries and breweries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal. Wineries and breweries using water from exempt wells shall install a water meter;

d. Off-street parking is limited to one hundred and fifty percent of the minimum requirement for wineries or breweries specified in K.C.C. 21A.18.030;

e. Structures and areas used for processing shall be set back a minimum distance of seventy-five feet from property lines adjacent to residential zones, unless the processing is located in a building designated as historic resource under K.C.C. chapter 20.62;

f. The minimum site area is four and one-half acres. If the total floor area of structures for wineries and breweries and any accessory uses exceed six thousand square feet, including underground storage:

(1) the minimum site area is ten acres; and

(2) a minimum of two and one-half acres of the site shall be used for the growing of agricultural products;

g. The facility shall be limited to processing agricultural products and sixty percent or more of the products processed must be grown in the Puget Sound counties. At the time of the initial application, the applicant shall submit a projection of the source of products to be processed; and

h. Tasting of products produced on site may be provided. The area devoted to tasting shall be included in the floor area limitation in subsection B.12.b of this section.

13. Limited to source separated organic waste processing facilities at a scale appropriate to process the organic waste generated in the agricultural zone.

14. Only on the same lot or same group of lots under common ownership or documented legal control, which include, but is not limited to, fee simple ownership, a long-term lease or an easement:

a. as accessory to a primary forestry use and at a scale appropriate to process the organic waste generated on the site; or

b. as a continuation of a sawmill or lumber manufacturing use only for that period to complete delivery of products or projects under contract at the end of the sawmill or lumber manufacturing activity.

15. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:

a. as accessory to a primary mineral use; or

b. as a continuation of a mineral processing use only for that period to complete delivery of products or projects under contract at the end of mineral extraction.

16. Continuation of a materials processing facility after reclamation in accordance with an approved reclamation plan.

17. Only a site that is ten acres or greater and that does not use local access streets that abut lots developed for residential use.

18.a. Limited to wineries and SIC Industry No. 2082-Malt Beverages;

b. The floor area devoted to all processing shall not exceed three thousand five hundred square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

c. Structures and areas used for processing shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62; and

d. Tasting of products produced on site may be provided. The area devoted to tasting shall be included in the floor area limitation in subsection B.18.b. of this section.

19. For establishments located on the site of a regional motor sport facility:

a. Services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and

b. The general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

20. Only when:

a. located on the site of a regional motor sport facility;

b. services are provided only to persons conducting business or employed at the regional motor sport facility, to event participants or to race spectators; and



*	Agricultural Anaerobic Digester	P13											
	<b>FORESTRY:</b>												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	<b>FISH AND WILDLIFE MANAGEMENT:</b>												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	<b>MINERAL:</b>												
10,12,14	Mineral Extraction and Processing		P9 C	P C11									<u>P14</u>
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3	P4	P5	P3	P3							P4
<b>GENERAL CROSS REFERENCES:</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.													

**B. Development conditions.**

1. May be further subject to K.C.C. Title 25, Shoreline Management.



2. Only forest research conducted within an enclosed building.
3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.
8. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:
  - a. as accessory to a primary mineral extraction use;
  - b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or
  - c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.
9. Limited to mineral extraction and processing:
  - a. on a lot or group of lots under common ownership or documented legal control, which includes but is not limited to, fee simple ownership, a long-term lease or an easement;
  - b. that are located greater than one-quarter mile from an established residence;and

c. that do not use local access streets that abut lots developed for residential use.

10. Agriculture training facilities are allowed only as an accessory to existing agricultural uses and are subject to the following conditions:

a. The impervious surface associated with the agriculture training facilities shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

b. New or the expansion of existing structures, or other site improvements, shall not be located on class 1, 2 or 3 soils;

c. The director may require reuse of surplus structures to the maximum extent practical;

d. The director may require the clustering of new structures with existing structures;

e. New structures or other site improvements shall be set back a minimum distance of seventy-five feet from property lines adjoining residential zones;

f. Bulk and design of structures shall be compatible with the architectural style of the surrounding agricultural community;

g. New sewers shall not be extended to the site;

h. Traffic generated shall not impede the safe and efficient movement of agricultural vehicles, nor shall it require capacity improvements to rural roads;

i. Agriculture training facilities may be used to provide educational services to the surrounding rural/agricultural community or for community events. Property owners

may be required to obtain a temporary use permit for community events in accordance with K.C.C. chapter 21A.32;

j. Use of lodging and food service facilities shall be limited only to activities conducted in conjunction with training and education programs or community events held on site;

k. Incidental uses, such as office and storage, shall be limited to those that directly support education and training activities or farm operations; and

l. The King County agriculture commission shall be notified of and have an opportunity to comment upon all proposed agriculture training facilities during the permit process in accordance with K.C.C. chapter 21A.40.

11. Continuation of mineral processing and asphalt/concrete mixtures and block uses after reclamation in accordance with an approved reclamation plan.

12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented activities. In addition, activities that place minimal stress on the site's agricultural resources or activities that are compatible with agriculture are permitted.

- (1) passive recreation;
- (2) training of individuals who will work at the camp;
- (3) special events for families of the campers; and
- (4) agriculture education for youth.

b. Outside the camp center, as provided for in subsection B.12.e of this section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed

to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

c. A farm plan shall be required for commercial agricultural production to ensure adherence to best management practices and soil conservation.

d.(1) The minimum site area shall be five hundred acres. Unless the property owner has sold or transferred the development rights as provided in subsection B.12.c.(3) of this section, a minimum of five hundred acres of the site must be owned by a single individual, corporation, partnership or other legal entity and must remain under the ownership of a single individual, corporation, partnership or other legal entity for the duration of the operation of the camp.

(2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner from selling or transferring the development rights for a portion or all of the site to the King County farmland preservation program or, if the development rights are extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

e. The impervious surface associated with the camp shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

f. Structures for living quarters, dining facilities, medical facilities and other nonagricultural camp activities shall be located in a camp center. The camp center shall be no more than fifty acres and shall be depicted on a site plan. New structures for nonagricultural camp activities shall be clustered with existing structures;

g. To the extent practicable, existing structures shall be reused. The applicant shall demonstrate to the director that a new structure for nonagricultural camp activities

cannot be practicably accommodated within an existing structure on the site, though cabins for campers shall be permitted only if they do not already exist on site;

h. Camp facilities may be used to provide agricultural educational services to the surrounding rural and agricultural community or for community events. If required by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for community events;

i. Lodging and food service facilities shall only be used for activities related to the camp or for agricultural education programs or community events held on site;

j. Incidental uses, such as office and storage, shall be limited to those that directly support camp activities, farm operations or agricultural education programs;

k. New nonagricultural camp structures and site improvements shall maintain a minimum set-back of seventy-five feet from property lines adjoining residential zones;

l. Except for legal nonconforming structures existing as of January 1, 2007, camp facilities, such as a medical station, food service hall and activity rooms, shall be of a scale to serve overnight camp users;

m. Landscaping equivalent to a type III landscaping screen, as provided for in K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures and site improvements located within two hundred feet of an adjacent residential zoned property not associated with the camp;

n. New sewers shall not be extended to the site;

o. The total number of persons staying overnight shall not exceed three hundred;

p. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

q. Traffic generated by camp activities shall not impede the safe and efficient movement of agricultural vehicles nor shall it require capacity improvements to rural roads;

r. If the site is adjacent to an arterial roadway, access to the site shall be directly onto the arterial unless the county road engineer determines that direct access is unsafe;

s. If direct access to the site is via local access streets, transportation management measures shall be used to minimize adverse traffic impacts;

t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel may use motor vehicles for the operation and maintenance of the facility. Client-specific motorized personal mobility devices are allowed; and

u. Lights to illuminate the camp or its structures shall be arranged to reflect the light away from any adjacent property.

13. Limited to digester receiving plant and animal waste from agricultural activities and subject as follows:

b. the digester must be included as part of a Washington state Department of Agriculture-approved dairy nutrient plan; and

c. the use must be accessory to an operating dairy or livestock operation.

14. Only when:

a. Located on the site of a regional motor sport facility;

b. The timing and amount of materials to be extracted shall be:

(1) during project construction, only as necessary to construct that phase of the project approved for construction; or

(2) during facility operation, only as necessary to comply with noise mitigation measures or to accommodate site elevations necessary to the safe and efficient movement of racing vehicles from their maintenance or service areas to their respective raceway surfaces; and

c. on-site processing of dirt, sand, and gravel, which shall be limited to sorting.

SECTION 16. Ordinance 10870, Section 337, as amended, and K.C.C.

21A.08.100 are each amended to read as follows:

A. Regional land uses.

KEY		Z   O  N  E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use			A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use			G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use			R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U	
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S	
		U	T	A			V		E	B	E	N	E	N	E	E	T	
		L		L			E		N	O	S	I	S	A	S		R	
		T							T	R	S	T	S	L	S		I	
		U							I	H		Y					A	
		R						A		O							L	
		E						L		O								
										D								
SIC#	SPECIFIC LAND  USE	A	F	M	RA	UR	R1-  8	R12  -48		NB	CB	RB		O		I  (15)		





*	Rural Public Infrastructure Maintenance Facility				C23								
*	Transit Bus Base						S	S	S	S	S	S	P
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
<del>((7948))</del> * —	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24 <u>P26</u>
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								
<b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development <b>REFERENCES:</b> Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.													

## B. Development conditions.

1. Except technical institutions. See vocational schools on general services land use table, K.C.C. 21A.08.050.
2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
3. Except weapons armories and outdoor shooting ranges.

4. Except outdoor shooting range.
5. Only in conjunction with an existing or proposed school.
- 6.a. Limited to no more than three satellite dish antennae.
  - b. Limited to one satellite dish antenna.
  - c. Limited to tower consolidations.
7. Limited to landing field for aircraft involved in forestry or agricultural practices or for emergency landing sites.
8. Except racing of motorized vehicles.
9. Limited to wildlife exhibit.
10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
12. Limited to cogeneration facilities for on-site use only.
13. Excluding impoundment of water using a dam.
14. Limited to facilities that comply with the following:
  - a. Any new diversion structure shall not:
    - (1) exceed a height of eight feet as measured from the streambed; or
    - (2) impound more than three surface acres of water at the normal maximum surface level;
  - b. There shall be no active storage;
  - c. The maximum water surface area at any existing dam or diversion shall not be increased;

d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;

e. Any transmission line shall be limited to a:

(1) right-of-way of five miles or less; and

(2) capacity of two hundred thirty KV or less;

f. Any new, permanent access road shall be limited to five miles or less; and

g. The facility shall only be located above any portion of the stream used by anadromous fish.

15. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be prohibited. All other uses, including waste water treatment facilities, shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

16. The operator of such a facility shall provide verification to the department of natural resources and parks or its successor organization that the facility meets or exceeds the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the accreditation guidelines of the American Zoo and Aquarium Association.

17. The following provisions of the table apply only to major communication facilities minor communication facilities shall be reviewed in accordance with the processes and standard outlined in K.C.C. chapter 21A.26.

18. Only for facilities related to resource-based research.

19. Limited to work release facilities associated with natural resource-based activities.

20. Limited to projects which do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base and serving only the school bus base may be used. Renovation, expansion, modernization or reconstruction of a school bus base is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base.

21. Only in conformance with the King County Site Development Plan Report, through modifications to the plan of up to ten percent are allowed for the following:

- a. building square footage;
- b. landscaping;
- c. parking;
- d. building height; or
- e. impervious surface.

22. A special use permit shall be required for any modification or expansion of the King County fairgrounds facility that is not in conformance with the King County Site Development Plan Report or that exceeds the allowed modifications to the plan identified in subsection B.21 of this section.

23. The facility shall be primarily devoted to rural public infrastructure maintenance and is subject to the following conditions:

- a. The minimum site area shall be ten acres, unless the facility is a reuse of a public agency yard;
- b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any stockpiling or grinding operations and adjacent residential zoned property;
- c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any office and parking lots and adjacent residential zoned property;
- d. Access to the site does not use local access streets that abut residential zoned property, unless the facility is a reuse of a public agency yard;
- e. Structural setbacks from property lines shall be as follows:
  - (1) Buildings, structures and stockpiles used in the processing of materials shall be no closer than:
    - (a) one hundred feet from any residential zoned properties, except that the setback may be reduced to fifty feet when the grade where the building or structures are proposed is fifty feet or greater below the grade of the residential zoned property;
    - (b) fifty feet from any other zoned property, except when adjacent to a mineral extraction or materials processing site;
    - (c) the greater of fifty feet from the edge of any public street or the setback from residential zoned property on the far side of the street; and
  - (2) Offices, scale facilities, equipment storage buildings and stockpiles shall not be closer than fifty feet from any property line except when adjacent to M or F zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

f. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted; and

g. Sand and gravel extraction shall be limited to forty thousand yards per year.

24. The following accessory uses to a motor race track operation are allowed if approved as part of the special use permit:

- a. motocross;
- b. autocross;
- c. skidpad;
- d. garage;
- e. driving school; and
- f. fire station.

25. Facility must be:

- a. located on the site of a regional motor sport facility;
- b. limited to police and fire safety training; and
- c. the general location of the services conforms to the council-approved master site plan for the regional motor sport facility.

26. Limited to a regional motor sports facility established under a master planning process demonstration project.

SECTION 17. Ordinance 10870, Section 341, as amended, and K.C.C.

21A.12.040 are each hereby amended to read as follows:

A. Densities and dimensions - resource and commercial/industrial zones.

	Z O N E S	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	F O R E S T	M I N E R A L	NEIGHBO R-HOOD BUSINESS	COMMUNI TY BUSINESS	REGIONA L BUSINES S	O F F I C E	I N D U S T R I A L	
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density:		0.1	.0286	.0125		8 du/ac (2)	48 du/ac	36 du/ac	48	
Dwelling Unit/Acre		du/ac	du/ac	du/ac			(2)	(2) 48 du/ac (1)	du/ac (2)	
Maximum Density: Dwelling Unit/Acre						12 du/ac (3) 16 du/ac (15)	72 du/ac (16) 96 du/ac (17)	48 du/ac (3) 72 du/ac (16) 96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area		10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio		4 to 1	4 to 1							
Minimum Street Setback		30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft (19)
Minimum Interior Setback		10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) 20 ft (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) (19) 50 ft

									(8) (19)
Base Height (10)	35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (6)	35 ft 60 ft (6) 65 ft (17)	35 ft 65 ft (6)	45 ft 65 ft (6)	45 ft
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)	15% 35% (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

B. Development conditions.

1. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

2. These densities are allowed only through the application of mixed-use development standards and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development.

3. These densities may only be achieved through the application of residential density incentives or transfer of development rights in mixed-use developments and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.

4.a. in the F zone, scaling stations may be located thirty-five feet from property lines. Residences shall have a setback of at least thirty feet from all property lines.

b. for lots between one acre and two and one half acres in size, the setback requirements of the R-1 zone shall apply. For lots under one acre, the setback requirements of the R-4 zone shall apply.



c. for developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones.

5. Gas station pump islands shall be placed no closer than twenty-five feet to street front lines.

6. This base height allowed only for mixed-use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

7. Required on property lines adjoining residential zones.

8. Required on property lines adjoining residential zones for industrial uses established by conditional use permits.

9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C. chapter 21A.14.

10. Height limits may be increased if portions of the structure building that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may exceed seventy-five feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirement provided that the maximum height shall not exceed seventy-five feet.

11. Applicable only to lots containing less than one acre of lot area.  
Development on lots containing less than fifteen thousand square feet of lot area shall be

governed by impervious surface standards of the nearest comparable R-4 through R-8 zone.

12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

13. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

14. Required on property lines adjoining residential zones unless a stand-alone townhouse development on property designated commercial outside of center in the urban area is proposed to be located adjacent to property upon which an existing townhouse development is located.

15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8. well-served by transit or for mixed-use development through the application of residential density incentives under K.C.C. 21A.34.040.F.1.g.

16. Only for mixed-use development through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

17. Only for mixed-use development through the application of residential density incentives through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37. Upper-level setbacks are required for any facade facing a pedestrian street for any portion of the structure greater than forty-five feet in height. The upper level setback shall be at least one foot for every two feet of height above forty-five feet, up to a maximum required setback of fifteen feet. The first four feet of horizontal projection of decks,

balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

18. Required on property lines adjoining residential zones only for a social service agency office reusing a residential structure in existence on January 1, 2010.

19. Setback shall not apply to a building that :

a. is located on the site of a regional motor sports facility;

- b. has a roof constructed at or below grade of adjacent residential uses; and
- c. utilizes green roof technology to provide open space and active recreation.

..ad requirements

30 days prior

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